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Remarks:

1) Claims 1, 2, 5, 8 to 15, and 17 to 24 are pending in the application. Claims 3, 4, 6, 7, 12 and 16 have been cancelled. Claims 25 to 29 have withdrawn. Claims 30, 31 and 32 have been added. No new matter has been added.

In response to the office action of September 5, 2006, Applicant had elected the UGT1A9 gene and elected with traverse the T⁻²⁷⁵A substitution. This is the subject matter which is pending in the current set of amended claims.

2) The Examiner starts the office action by stating that claim 17 is objected because it still recites mutations which have not been elected. Claim 17 has now been amended to withdraw said mutations which have now been made the subject of new claim 31 which is dependent on claim 17.

Applicant reserves the right to file divisional applications on the non-elected subject matter or to request a rejoinder if and when appropriate.

3) The Examiner objects to the drawing of figure 6 because it is presumably illegible. Applicant thereby provides a fresh copy of figure 6 which does meet the legibility criteria.

Claims rejections

4) The Examiner rejects claims 1 to 4, 8 and 20 to 21 under section 112, first paragraph as containing subject matter which was not described in the specification at the time the application was filed. Particularly, the Examiner objects to the scope of the terms "to a physiological reaction to a biologically active compound". Amended claim 1 now recites "variation in glucuronidation activity of a biologically active compound that is metabolized through glucuronidation". The Examiner also objects to the scope of the mutations that may occur within the 1A9 gene and that *the specification does not disclose and fully characterize the genus required by the claims of any variation in the UGT1A9 gene*. Amended claim 1 now reads "within exon 1 or promoter" of said gene. It is believed that claim 1 as amended renders this rejection moot and the Examiner is respectfully requested to withdraw the rejection.

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5) The Examiner rejects claims 1 to 15 and 17 to 24 once again under section 112, first paragraph as failing to comply with the enablement requirement. Particularly, the Examiner states that *the specification does not teach an association between the -275 mutated alleles and any other biologically active compound*. Furthermore, she states that *it is unpredictable as to whether the presently claimed method can be used to determine the predisposition of any individual to any biologically active compound*. Amended claim 1 now reads on a “biologically active compound that is metabolized through glucuronidation”. It is submitted that any person skilled in the art would be able to ascertain, without undue burden, which compound fall within this scope.

The Examiner goes on to state that *it is unpredictable as to whether the results obtained in human subjects could be extrapolated to other organisms*. Amended claim 1 now recites “human” as a species. Applicant reserves the right to file divisional applications on subject matter that is hereby removed from the set of claims.

The Examiner further states that *the claims are not enabled because the specification does not teach a representative number of variants of the UGT1A9 gene which are associated with a higher glucuronidation rate with SN-38*. Claim 17 now claims the -275 mutation. All other mutations are made dependent upon claim 17. Applicant reserves the right to file divisional applications on subject matter that is hereby removed from the set of claims or to ask for a rejoinder if and when appropriate.

Once again, it is believed that claim 1 as amended does overcome this rejection. The Examiner is therefore respectfully requested to withdraw the rejection.

Claim 5 has been amended to include the subject matter “ability to detoxify food-borne carcinogens”. This subject matter finds support in the disclosure as filed at page 10, lines 31-32, and therefore does not constitute new matter.

Conclusion

It is submitted, therefore, that the claims are in condition for allowance, therefore reconsideration of the Examiner’s rejections is respectfully requested. Allowance of claims 1, 2, 5, 8 to 15 and 17 to 24, 30, 31 and 32 at an early date is earnestly solicited.

MAR 28 2007

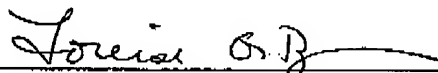
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In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

A fee of 60\$ for a one-month extension of time for small entity is believed to be necessitated. Authorization is hereby given to charge deposit account number 19-5113 with this amount. No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge deposit account 19-5113 for any underpayment or to credit any overpayment.

Respectfully submitted,

By:



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Enclosure: Figure 6